

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

**CONSOLIDATED INDUSTRIES, LLC
d/b/a WEATHER KING PORTABLE
BUILDINGS,**

Plaintiff,

v.

**JESSE A. MAUPIN, BARRY D.
HARRELL, ADRIAN S. HARROD,
LOGAN C. FEAGIN, STEPHANIE L.
GILLESPIE, RYAN E. BROWN, DANIEL
J. HERSHBERGER, BRIAN L. LASSEN,
ALEYNA LASSEN, and AMERICAN
BARN CO., LLC,**

Defendants.

Civil Action No. 1:22-cv-01230-STA-jay

Chief Judge S. Thomas Anderson

**PLAINTIFF’S MOTION TO COMPEL FORENSIC EXAMINATION OF INDIVIDUAL
DEFENDANTS’ MOBILE PHONES AND OTHER COMPUTER DEVICES**

Pursuant to Fed. R. Civ. P. 37, Plaintiff respectfully requests that the court compel Defendants Jesse Maupin, Barry Harrell, Adrian Harrod, Logan Feagin, Stephanie Gillespie, Ryan Brown, Daniel Hershberger, Brian Lassen, and Aleyna Lassen to produce their mobile phones and other computer devices for forensic examination and imaging. As grounds for this motion, Plaintiff submits that Defendants have not produced highly-relevant documents requested in discovery and that a forensics examination is necessary to attempt to retrieve relevant documents and to determine the circumstances in which relevant documents were destroyed. Plaintiff has set forth a proposed protocol governing the examination in a proposed order granting this motion (being submitted to chambers). In support of this motion, Plaintiff has filed herewith a memorandum of law, as well as the following exhibits:

1. Excerpts of Defendant Adrian Harrod's written discovery responses, filed herewith as Exhibit 1;
2. Excerpts of Defendant Jesse Maupin's First Supplemental Responses to Plaintiff's First Set of Interrogatories, filed herewith as Exhibit 2;
3. Excerpts of Defendant American Barn Co., LLC's written discovery responses, filed herewith as Exhibit 3;
4. Excerpts of Defendant Jesse Maupin's written discovery responses, filed herewith as Exhibit 4;
5. Documents received in response to subpoena to Troy Buttrey, filed herewith as Exhibit 5;
6. Email received in response to subpoena to James Kowalzyk, filed herewith as Exhibit 6;
7. Excerpts of Defendant Brian Lassen's written discovery responses, filed herewith as Exhibit 7;
8. Text message from Brian Lassen to Freddie Rodriguez, sent to Tim Boyd, filed herewith as Exhibit 8;
9. April 19, 2023 letter from Plaintiff's counsel to Defendants' counsel, filed herewith as Exhibit 9; and
10. May 5, 2023 letter from Defendants' counsel to Plaintiff's counsel, filed herewith as Exhibit 10.

BUTLER SNOW LLP

/s/ David L. Johnson

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CERTIFICATE OF COUNSEL

In accordance with Local Rule 7.2(a)(1)(B), I, counsel for Plaintiff certify that the parties' counsel have conferred about the relief requested in this motion but were unable to reach accord. Specifically, after conferring with Attorney Thomas Pasternak in writing about deficiencies in Defendants' discovery responses, Attorney John Dollarhide and I had phone conferences with Mr. Pasternak about these issues on May 1, 2023, and May 18, 2023.

/s/ David L. Johnson

David L. Johnson

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2023, I filed the foregoing with the Court using the ECF system, which will provide notice and a copy to counsel of record:

Thomas G. Pasternak
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Attorneys for Defendants

/s/ David L. Johnson

David L. Johnson